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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,467	08/14/2003	Bruce Martin	03-065-JB	2154
7590	08/03/2004		EXAMINER	
Louis M. Heidelberger Reed Smith LLP 2500 One Liberty Place Philadelphia, PA 19103-7301			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/642,467	MARTIN, BRUCE
	<b>Examiner</b>	<b>Art Unit</b>
	Robert G. Santos	3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 August 2003.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-76 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7,16-19,21-29,32-34,36-42,44,53-64,67-69 and 71-76 is/are rejected.
- 7) Claim(s) 6,8-15,20,30,31,35,43,45-52,65,66 and 70 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>08142003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 25, 30, 60, 61 and 68 are objected to because of the following informalities:

- 1) In the first line of claim 25: "23" should be changed to --24--.
- 2) In the first line of claim 30: "28" should be changed to --29--.
- 3) In the first line of claim 60: "58" should be changed to --59--.
- 4) In the first line of claim 61: "fursaidr" should be changed to --further--.
- 5) In claim 68, line 30: "and" should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 16-19, 22-24, 26-29, 33, 34, 36-42, 44, 53-55, 57-59, 61-64, 68, 69 and 71-76 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tharalson et al. '456 (note especially Figures 1-12, 14-18, 20-23 & 26-31; column 12, lines 3-67; column 13, lines 1-27 & 57-67; column 14, lines 1-46 & 54-67; column 15; column 16; column 17, lines 1-40 & 52-67; column 18, lines 1-4 & 30-67; column 19, lines 1-5 & 37-67; column 20; and column 21, lines 1-18).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 32, 56 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tharalson et al. '456 in view of Tharalson et al. '349. Tharalson et al. '456 do not specifically disclose a condition wherein at least a portion of the surrounding wall (26, 30, 34, 38) is formed of mesh material. Tharalson et al. '349 provides the basic teaching of a portable combination bedside co-sleeper (30) comprising a surrounding wall (43-45) having at least one portion (50) formed from mesh (as described in column 6, lines 44-45). The skilled artisan would have found it obvious at the time the invention was made to provide the portable combination bedside co-sleeper of Tharalson et al. '456 with a surrounding wall having at least one portion formed of mesh "for visual contact with the child and for air circulation" (see Tharalson et al. '349, column 6, lines 45 & 46), thereby imparting additional safety features to the device as desired.

Claims 25 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tharalson et al. '456 in view of Huang '040. Tharalson et al. '456 do not specifically disclose the use of removable wheels attaching to lower edges (98, 102, 106, 110) of the enclosure or extensions (678) attached thereto. Huang '040 provides the basic teaching of an enclosure provided with wheels (6) attached to lower edges (5) thereof. The skilled artisan would have found it obvious at the time the invention was made to provide the portable combination bedside

co-sleeper of Tharalson et al. '456 with removable wheels attached to lower edges of the enclosure or to extensions attached thereto in order to facilitate movement of the device as desired.

***Allowable Subject Matter***

Claims 6, 8-15, 20, 30, 31, 35, 43, 45-52, 65, 66 and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten (in the case of claim 30, to overcome the claim objection noted above and) in independent form including all of the limitations of the base claim and any intervening claims.

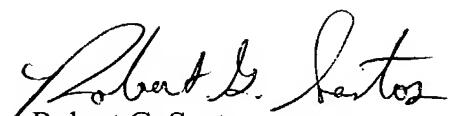
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Waldman et al. '949, Tharalson et al. '264, Waldman '574, Tharalson et al. '211, Tharalson et al. '082, Tharalson et al. '347, Dillner et al. '437 and Satt et al. '716.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
July 30, 2004